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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Basic conditions and standard criteria for the introduction and implementation of sanctions imposed by the United Nations

Working paper submitted by the Permanent Mission of the Russian Federation to the United Nations

I. General issues

1. Sanctions remain an important tool under the Charter of the United Nations in efforts to maintain international peace and security without recourse to the use of force. Sanctions should be carefully targeted in support of clear objectives and be implemented in ways that balance effectiveness to achieve the desired results against possible adverse consequences, including socio-economic and humanitarian consequences, for populations and third States.

2. The application of sanctions should be resorted to when other relevant peaceful options are inadequate and only when the Security Council determines the existence of a threat to peace, breach of peace, or act of aggression.

3. Sanctions should be introduced in conformity with the provisions of the Charter, and they should be consistent with other rules of international law and from the outset provide for clear conditions for lifting them.

4. Best practices and guidelines adopted by the Security Council and the General Assembly in the field of sanctions, in particular those contained in the 2005 World Summit Outcome, General Assembly resolution 51/242 and Security Council resolutions 1730 (2006) and 1732 (2006), should be taken into account in the elaboration and implementation of sanctions regimes.

5. Sanctions should be implemented and monitored effectively with clear benchmarks and should be periodically reviewed, as appropriate, and remain in

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place for as limited a period as possible to achieve the objectives of the sanctions and should be terminated once their objectives have been achieved.

6. Sanctions regimes with regard to individuals and entities should ensure that the selection of such individuals and entities for listing is based on fair and clear procedures and that regular reviews of names on the list are conducted; ensure, to the degree possible, maximum specificity in identifying individuals and entities to be targeted; and ensure also that fair and clear procedures for de-listing exist early in sanctions regimes.

7. Sanctions with regard to States and other parties may not be open-ended and should be subject to periodic review with a view to lifting them or not, or to adjusting them, taking into account the humanitarian situation and depending on the fulfilment by the target State and other parties of the requirements of the Security Council.

8. Before sanctions are applied, a clear warning could be expressed in unequivocal language to the target State or party.

9. The purpose of sanctions is to restore international peace and security by modifying the behaviour of the target State, party, individual or entity and not to overthrow legal authorities of the target State or punish or otherwise exact retribution. Targeted sanctions are preferable in this regard.

II. Unintended side effects of sanctions

10. Objective assessment of the short-term and long-term socio-economic and humanitarian consequences of sanctions is necessary both at the stage of their preparation and in the course of their implementation and should be conducted by the Security Council and its sanctions committees with the assistance of the Secretariat. As far as possible, a prior assessment of the consequences of sanctions for the target State and for third States should be made. In this regard, the methodology for the assessment of the humanitarian implications of sanctions reflected in the *Sanctions Assessment Handbook* (2004) might be useful.

11. All information on the humanitarian consequences of the introduction and implementation of sanctions, including those which have a bearing on the basic living conditions of the civilian population of the target State, on its socio-economic development and on third States which have suffered or may suffer as a result of their implementation should be considered by the Security Council and its sanctions committees, with a view to the modification of the sanctions regime where appropriate.

12. As far as possible, the situations in which the consequences of the introduction of sanctions would inflict considerable material and financial harm on third States or in which the civilian population in the target State or third States would experience considerable adverse consequences should be avoided. Means should be envisaged to minimize the particular suffering of the most vulnerable groups, keeping in mind emergency situations, such as mass refugee flows.

13. Humanitarian and other exemptions to all targeted measures, including arms embargoes, travel restrictions, aviation bans and financial sanctions, should be standardized in each sanction regime.

14. Sanctions regimes, as well as targeted States and parties, must ensure that appropriate conditions are created for allowing an adequate supply of humanitarian goods to reach the civilian population. Essential humanitarian goods should be considered for exemption by the relevant United Nations bodies, including the sanctions committees. In this regard, efforts should be made to allow target States to have access to appropriate resources and procedures for financing humanitarian imports.

15. The principles of neutrality, independence, transparency, impartiality and the impermissibility of any form of discrimination in the provision of humanitarian and medical assistance and other forms of humanitarian support for all sectors and groups of the population should be observed. A condition of providing such assistance should be the prior clearly expressed consent of the recipient State or a request on its part as provided for in the guiding principles adopted by the General Assembly in its resolution 46/182.

16. In emergency situations and cases of force majeure (natural disasters, threat of famine, mass disturbances resulting in the disorganization of the country's Government), consideration should be given to the suspension of sanctions in order to prevent a humanitarian disaster. A decision on this must be taken in each specific case.

17. Decisions on sanctions must not create situations in which fundamental human rights would be violated.

III. Implementation

18. Sanctions shall be implemented in good faith and uniformly by all States. Violations must be brought to the attention of the general membership of the United Nations through the appropriate channels.

19. Monitoring and compliance are first and foremost the responsibility of individual Member States. Member States should endeavour to prevent or correct activities in violation of the sanctions measures within their jurisdiction. In this regard the provisions of the report of the Informal Working Group of the Security Council on General Issues of Sanctions (see S/2006/997) should be taken into account.

20. International monitoring by the Security Council or by one of its subsidiary organs of compliance with sanctions measures, in accordance with relevant Security Council resolutions, can contribute to the effectiveness of United Nations sanctions. States that may require assistance in the implementation and monitoring of sanctions may seek the assistance of the United Nations or relevant regional organizations and donors.

21. Donors, including States and international and regional organizations with the capacity to do so, should be encouraged to offer appropriate technical and financial assistance to States that need such assistance for the implementation of sanctions.

22. States should be encouraged to cooperate in exchanging information about the legislative, administrative and practical implementation of sanctions.